

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LARRY J. BROWN,

Plaintiff,

v.

OPINION AND ORDER

17-cv-73-wmc

MELISSA THORNE, TRISHA ANDERSON,
JAMIE GOHDE, JAMES GREER, MICHAEL A.
DITTMANN, LUCAS WEBER, MICHAEL PITZEN,
MARY LEISER, LINDA O'DONOVAN and ISAAC HART,

Defendants.

On December 17, 2018, the court granted plaintiff's motion to stay this matter until his June 2019 release from prison, but denied his request for assistance in recruiting counsel. (Dkt. #35.) Yet on December 21, 2018, plaintiff filed a motion asking the court to impose sanctions on defendants, which the court denied, instructing Brown that if he changed his mind and would like to prosecute this lawsuit *pro se*, he may file a motion to lift the stay in this lawsuit. (Dkt. #39.) On January 9, 2019, Brown filed another motion, not seeking to lift the stay, but seeking an order requiring defendants to provide a response to Brown's requests for a preliminary injunction. (Dkt. #41.) While Brown wants the court to otherwise keep the stay in place, Brown insists that the court may issue this order because the court had directed defendants to file a response to his request for preliminary injunctive relief *before* the court imposed the stay. In addition, Brown requests an order requiring defense counsel to turn over a copy of all his medical records. For the reasons that follow briefly, the motion will be DENIED.

When Brown requested to stay this lawsuit, he stated that he wanted to reopen this

matter when he was released from custody. Inherent in this request is that, since this lawsuit will start up again after Brown is *out* of prison, his request for preliminary injunctive relief to require prison staff to take certain care precautions is moot. As such, since Brown still wishes to keep this case stayed, the court will not direct defendants to file a response to his request for preliminary injunctive relief. Furthermore, to remove any doubt going forward, the court is denying Brown's motion for a preliminary injunction (dkt. #2), with the caveat that Brown may renew it if he files a motion to lift the stay on this lawsuit. In other words, the court will not take *any* action in this case until it is properly reopened.

ORDER

IT IS ORDERED that:

- (1) Plaintiff Larry J. Brown's motion requesting an order requiring defendants to respond to his request for a preliminary injunction and to turn over his medical records (dkt. #41) is DENIED.
- (2) Plaintiff's motion for a preliminary injunction (dkt. #2) is DENIED as moot.

Entered this 15th day of April, 2019.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge